

## **IC 31-33-8**

### **Chapter 8. Investigation of Reports of Suspected Child Abuse or Neglect**

#### **IC 31-33-8-1**

##### **Investigations by the department of child services; time of initiation**

Sec. 1. (a) The department shall initiate an immediate and appropriately thorough child protection investigation of every report of known or suspected child abuse or neglect the department receives, whether in accordance with this article or otherwise.

(b) Subject to subsections (d) and (e), if the report alleges a child may be a victim of child abuse, the investigation shall be initiated immediately, but not later than twenty-four (24) hours after receipt of the report.

(c) Subject to subsections (d) and (e), if reports of child neglect are received, the investigation shall be initiated within a reasonably prompt time, but not later than five (5) days, with the primary consideration being the well-being of the child who is the subject of the report.

(d) If the immediate safety or well-being of a child appears to be endangered or the facts otherwise warrant, the investigation shall be initiated regardless of the time of day.

(e) If the department has reason to believe that the child is in imminent danger of serious bodily harm, the department shall initiate within one (1) hour an immediate, onsite investigation.

*As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.117.*

#### **IC 31-33-8-2**

##### **Investigations by law enforcement agencies**

Sec. 2. (a) Upon the receipt of each report under this chapter of known or suspected child abuse, the department shall contact the law enforcement agency in the appropriate jurisdiction.

(b) The law enforcement agency, with the department, shall conduct an immediate onsite investigation of the report if the law enforcement agency has reason to believe that an offense has been committed. The law enforcement agency shall investigate the alleged child abuse or neglect under this chapter in the same manner that the law enforcement agency conducts any other criminal investigation.

*As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.118.*

#### **IC 31-33-8-3**

##### **Photographs and x-rays**

Sec. 3. (a) Except as provided in subsection (b), the department shall:

- (1) cause color photographs to be taken of the areas of trauma visible on a child who is subject to a report; and
- (2) if medically indicated, cause a radiological examination of

the child to be performed.

(b) If the law enforcement agency participates in the investigation, the law enforcement agency shall cause the color photographs to be taken as provided by this section.

(c) The department shall reimburse the expenses of the photographs and x-rays.

*As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.119.*

#### **IC 31-33-8-4**

##### **Notice to prosecuting attorney of reports involving child's death**

Sec. 4. The law enforcement agency shall:

(1) give telephone notice; and

(2) immediately forward a copy;

of reports made under this article that involve the death of a child to the appropriate prosecuting attorney.

*As added by P.L.1-1997, SEC.16.*

#### **IC 31-33-8-5**

##### **Forwarding copies of reports to prosecuting attorney**

Sec. 5. The department shall immediately forward a copy of all reports made under this article to the appropriate prosecuting attorney if the prosecuting attorney has made a prior request to the service in writing for the copies.

*As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.120.*

#### **IC 31-33-8-6**

##### **Investigatory duties of department of child services; purpose**

Sec. 6. The department shall promptly make a thorough investigation upon either the oral or written report. The primary purpose of the investigation is the protection of the child.

*As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.121.*

#### **IC 31-33-8-7**

##### **Scope of investigation by department of child services; order for access to home, school, or other place, or for mental or physical examinations**

Sec. 7. (a) The department's investigation, to the extent that is reasonably possible, must include the following:

(1) The nature, extent, and cause of the known or suspected child abuse or neglect.

(2) The identity of the person allegedly responsible for the child abuse or neglect.

(3) The names and conditions of other children in the home.

(4) An evaluation of the parent, guardian, custodian or person responsible for the care of the child.

(5) The home environment and the relationship of the child to the parent, guardian, or custodian or other persons responsible

for the child's care.

(6) All other data considered pertinent.

(b) The investigation may include the following:

(1) A visit to the child's home.

(2) An interview with the subject child.

(3) A physical, psychological, or psychiatric examination of any child in the home.

(c) If:

(1) admission to the home, the school, or any other place that the child may be; or

(2) permission of the parent, guardian, custodian, or other persons responsible for the child for the physical, psychological, or psychiatric examination;

under subsection (b) cannot be obtained, the juvenile court, upon good cause shown, shall follow the procedures under IC 31-32-12.

*As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.122.*

### **IC 31-33-8-8**

#### **Order for child's immediate removal; preparation of investigative report**

Sec. 8. (a) If, before the investigation is complete, the opinion of the law enforcement agency or the department is that immediate removal is necessary to protect the child from further abuse or neglect, the juvenile court may issue an order under IC 31-32-13.

(b) The department shall make a complete written report of the investigation.

(c) If a law enforcement agency participates in the investigation, the law enforcement agency shall also make a complete written report of the investigation.

*As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.123.*

### **IC 31-33-8-9**

#### **Provision of copies of investigative report by department of child services**

Sec. 9. (a) The department's report under section 8 of this chapter shall be made available to:

(1) the appropriate court;

(2) the prosecuting attorney; or

(3) the appropriate law enforcement agency;

upon request.

(b) If child abuse or neglect is substantiated after an investigation is conducted under section 7 of this chapter, the department shall forward its report to the office of the prosecuting attorney having jurisdiction in the county in which the alleged child abuse or neglect occurred.

(c) If the investigation substantiates a finding of child abuse or neglect as determined by the department, a report shall be sent to the coordinator of the community child protection team under

IC 31-33-3.

*As added by P.L.1-1997, SEC.16. Amended by P.L.35-1998, SEC.4; P.L.234-2005, SEC.124.*

#### **IC 31-33-8-10**

##### **Provision of information and copies of investigative report by law enforcement agency**

Sec. 10. If the law enforcement agency participates in the child abuse or neglect investigation, the law enforcement agency shall forward all information, including copies of an investigation report under section 7 of this chapter, on an incident in which a child may be a victim of alleged child abuse or neglect, whether obtained under this article or not, to the office of the prosecuting attorney.

*As added by P.L.1-1997, SEC.16.*

#### **IC 31-33-8-11**

##### **Law enforcement agency's duty to release information to department of child services**

Sec. 11. In all cases, the law enforcement agency shall release information on an incident in which a child may be a victim of alleged child abuse or neglect, whether obtained under this article or not, to the department.

*As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.125.*

#### **IC 31-33-8-12**

##### **Classifying reports as substantiated, indicated, or unsubstantiated; expungement**

Sec. 12. (a) Upon completion of an investigation, the department shall classify reports as substantiated, indicated, or unsubstantiated.

(b) Except as provided in subsection (c), the department shall expunge investigation records one (1) year after a report has been classified as indicated under subsection (a).

(c) If the department has:

- (1) classified a report under subsection (a) as indicated; and
- (2) not expunged the report under subsection (b);

and the subject of the report is the subject of a subsequent report, the one (1) year period in subsection (b) is tolled for one (1) year after the date of the subsequent report.

*As added by P.L.1-1997, SEC.16. Amended by P.L.70-2004, SEC.13; P.L.234-2005, SEC.126.*

#### **IC 31-33-8-13**

##### **Transmitting report to registry**

Sec. 13. Whenever:

- (1) an arrest relating to child abuse or neglect is made, the law enforcement agency that makes the arrest;
- (2) criminal charges relating to child abuse or neglect are filed, the court in which the charges are filed;
- (3) a child in need of services determination is made, the

department;

(4) a court approves a program of informal adjustment under IC 31-34-8 arising out of a child abuse or neglect report, the department; or

(5) a person who is accused of child abuse or neglect:

(A) enters into a services referral agreement; and

(B) fails to substantially comply with the terms of the services referral agreement;

under IC 31-33-13, the department;

shall transmit to the registry, not more than five (5) working days after the circumstances described by subdivisions (1) through (5) occur, the relevant child abuse or neglect report.

*As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.127.*

#### **IC 31-33-8-14**

**Transmission to registry of information regarding dismissal of criminal case, not guilty verdict, or determination that child abuse or neglect has not occurred**

Sec. 14. Whenever:

(1) a court with criminal jurisdiction dismisses a case or enters a not guilty verdict in a case arising out of child abuse or neglect; or

(2) a court with jurisdiction over a child in need of services proceeding determines that child abuse or neglect has not occurred;

the court shall forward information regarding the disposition of the case under this chapter to the registry not more than five (5) working days after the court acts as described by subdivisions (1) through (2).

*As added by P.L.1-1997, SEC.16.*